

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/028,730 Confirmation No. 4112

Applicant : Michael Collins

Filed : 10/19/2001

TC/A.U. : 3746

Examiner : Han L Liu

Docket No. : 00-682

Customer No. : 34704

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313

DECLARATION OF MICHAEL COLLINS,  
RICHARD D'AVERSA AND MICHAEL J. O'BRIEN

1. We, the below signed, are co-inventors of the invention as set forth and claimed in the above identified pending application. We understand that this application is being rejected based upon another application which was filed on April 21, 2000.
2. Attached hereto is a copy of the invention disclosure for this invention which is dated prior to the aforesaid April 21, 2000 date. As evidenced by this document, we conceived the present invention, as set forth in the claims of the present application, prior to the filing date of the other application.
3. From prior to the filing date of the other application through to constructive reduction to practice of the present application, we exercised diligence in accomplishing the constructive reduction to practice.
4. The invention was constructively reduced to practice through filing of this application on October 19, 2001. From prior to the filing date of the other application through to the filing date of this application, we communicated with in house and outside counsel who prepared this case, reviewed drafts of the application including providing comments on same, and executed documents leading to the filing of the application on the aforesaid date.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Michael Collins

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Date

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Richard D'Aversa

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Date

Michael J. O'Brien  
Michael J. O'Brien

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1/18/04

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Date